

Board of Pharmacy

Initial Statement of Reasons

Subject Matter of Proposed Regulation: Pharmacist-In-Charge

Sections Affected: 1709.1

Specific Purpose of the Proposed Changes:

The Board of Pharmacy has proposed this amendment to Section 1709.1 to further clarify the role of the pharmacist-in-charge and to permit a pharmacist to serve as pharmacist-in-charge at two pharmacies.

Factual Basis/Rationale

The Pharmacy Law (Business and Professions Code Section 4000 et seq.) requires that each pharmacy designate a “pharmacist-in-charge” as a condition of the pharmacy license. The Pharmacy Law also specifies that the pharmacist-in-charge is responsible for assuring the operation of the pharmacy in compliance with state and federal laws governing pharmacies (Business and Professions Code Section 4113). However, existing board regulations do not require pharmacies to provide the pharmacist-in-charge with the authority needed to fulfill this statutory mandate. This proposed regulation would fill that void.

Existing Board of Pharmacy regulations (Section 1709.1) limit a pharmacist to acting as pharmacist-in-charge at a single pharmacy. The Board of Pharmacy has concluded that this regulation is overly restrictive and that a pharmacist could competently serve as a pharmacist-in-charge at two pharmacies in the same area. In the Board of Pharmacy’s judgment, two pharmacies located in reasonable proximity could be safely managed by a single pharmacist-in-charge. The Board of Pharmacy also concluded that the pharmacist should have the freedom to accept the designation as a pharmacist-in-charge without coercion and should be free from the threat of termination for that decision.

Underlying Data

None.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the absence of testimony indicating adverse economic impact regarding these rulemaking proposals at the informational hearings held by the board.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.